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# West Midlands Metropolitan Area Child Sexual Exploitation Disruption Toolkit

# **Introduction**

West Midlands Police along with its partners are committed to protecting children and young people from harm and prosecuting those who commit sexual crimes against them. It will do this by working with partners to:

- Identify children at risk of sexual exploitation;
- Intervene with children and families to safeguard those at risk of exploitation;
- Adopt proactive problem solving measures to identify, disrupt and prosecute those seeking to sexually exploit children;
- Train staff to recognise signs that a child is being exploited; and
- Raise public awareness of child sexual exploitation.
- Follow the LSCB child protection procedures on child sexual exploitation if a child is identified as suffering or is at risk of sexual exploitation

In individual cases, it may be the case that the identity of the offender(s) and the location of the offences is also apparent. Whilst the police and criminal justice agencies lead on this, the support of all partners in gathering and recording information/evidence is vital. All those involved in working with a child who is suspected to be at risk of sexual exploitation, should gather record and share relevant information in line with their agency practice and LSCB procedures. Parents and carers should also be encouraged and supported to do so, ensuring that information is recorded appropriately, as this may be required in subsequent criminal proceedings.

Any meeting in respect of individual children at risk of harm from sexual exploitation should consider developing a disruption plan for offenders. The plan should identify who is responsible for undertaking the work, it should be shared with the agencies involved and timescales for a review meeting agreed. Disrupting offenders is an important part of local work to tackle child sexual exploitation. A disruption plan could involve a number of activities, which are described below.

## **Definition**

The West Midlands Metropolitan Area has adopted the following definition of sexual exploitation taken from statutory guidance:-

*"Sexual exploitation of children and young people under 18 involves exploitative situations, contexts and relationships where young people (or a third person or persons) receive 'something' (e.g. food, accommodation, drugs, alcohol, cigarettes, affection, gifts, money) as a result of them performing, and/or another or others performing on them, sexual activities. Child sexual exploitation can occur through the use of technology without the child's immediate recognition; for example being persuaded to post sexual images on the Internet/mobile phones without immediate payment or gain. In all cases, those exploiting the child/young person have power over them by virtue of their age, gender, intellect, physical strength and/or economic or other resources. Violence, coercion and intimidation are common, involvement in exploitative relationships being characterised in the main by the child or young person's limited availability of choice resulting from their social/economic and/or emotional vulnerability."*

## **Identify and safeguard children and young people at risk of or are being sexually exploited**

All partners will raise awareness of the signs and indicators of CSE as well as those children

and young people who are more vulnerable to being targeted for sexual exploitation. LSCB procedures provide a screening tool that should be used by staff working in all agencies to identify children and young people at risk of, or those who are being sexually exploited. Particular consideration will be given to considering whether children and young people who go missing from home or care are at risk of, or being sexually exploited.

LSCB procedures will be followed in cases where risk of harm from sexual exploitation is identified.

West Midlands Police will use a child abuse non-crime report to record all operational activity and a CSE flag should be used for cases identifying CSE concerns.

The victim should be flagged on PNC and Corvus as should alleged perpetrators to promote a child and victim centred response as well as to ensure Local Policing Units are aware of the concerns and actions required.

## **Intelligence Gathering and Information Sharing**

Strong links have been identified between different forms of sexual exploitation; running away from home, gang activity, child trafficking, substance misuse and internet/mobile phone grooming and abuse. Professional responsibility is to safeguard children, therefore, in addition to assessing and responding to the needs of individual children, broader responsibilities include deterrence and disruption of those who wish to exploit.

Perpetrators may act in isolation or within organised groups and disclosure from victims is rare, therefore, the need to 'work together' in the sharing and exchange of information is crucial.

West Midlands Police have developed an **information sharing tool (Appendix 1)** for use by multi-agency partners. Due to the nature of information often being anecdotal or unsubstantiated, such sharing must be completed with sensitivity to data protection, confidentiality and human rights. However, it is often small seemingly innocuous pieces of information that come together to identify those who present risk.

In using the 'information sharing' tool, practitioners or others must submit the information securely to West Midlands Police via: [fib@west-midlands.pnn.police.uk](mailto:fib@west-midlands.pnn.police.uk)

The information will be assessed by West Midlands Police and filtered through police intelligence systems as appropriate.

The purpose of the information sharing tool is for agencies to record any information that may be important and relevant for the police in order to build intelligence, for example:

- Vehicle details including registration/make/model/colour etc;
- Details/descriptions, including names/nicknames, of suspected perpetrators;
- Details/descriptions of unusual/regular callers to children's homes;
- Phone numbers of suspected perpetrators;
- Address details of suspected perpetrators; and

- Details of any addresses or localities where the child may have been taken This information will help the police keep an overview of linked crimes/cases etc. and help build intelligence and a bigger picture in relation to organised criminal networks etc.

## **Tackling Perpetrators**

Positive action should always be taken when tackling perpetrators. There may not be enough grounds to arrest a perpetrator, but when a perpetrator is identified, positive action should always be taken and a perpetrator should be held to account for their actions. The next part of the document provides information regarding policing powers, orders and disruption tactics which can be used to hold perpetrators to account for their behaviour. The overview that follows does not provide an exhaustive list and each case should be considered on a case by case basis using a problem solving approach.

# **POLICE POWERS**

## **Children Act 1989**

### **Section 46 Police Powers of Protection**

Police protection states:

Where a constable has reasonable cause to believe that a child would otherwise be likely to suffer significant harm, he may –

- a) remove the child to suitable accommodation and keep him there; or
- b) take such steps as are reasonable to ensure that the child's removal from any hospital, or other place, in which he is then being accommodated is prevented.

Child in this context is a person under 18 years.

This is a key power which should be used whenever potential victims are found in the company of potential perpetrators and they refuse to accompany the police voluntarily.

### **Section 49 Abduction of Children in Care**

This states that it is an offence if someone knowingly and without lawful authority or reasonable excuse takes a child who is subject of a care order, emergency protection order (EPO) or police protection order;

- a) away from the responsible person; or
- b) keeps such a child away from the responsible person; or
- c) induces, assists or incites such a child to run away or stay away from the responsible person.

This is a summary offence.

## **Child Abduction Act 1984**

### **Section 2 Abduction of Child by Other Persons**

This provides an offence in relation to the taking or detaining of a child under 16 years:

- a) where the offender is not connected with the child so as to remove him from the lawful control of any person having lawful control of the child; or
- b) so as to keep him out of the lawful control of any person entitled to lawful control of the child.

It is a defence to this offence for the defendant to show that he believed the child to have attained the age of 16.

This is an either way offence.

## **Child Abduction Warning Notices**

In order to eliminate defences regarding knowledge of the child's age or the fact that they were subject to an appropriate order, it is practice to issue abduction warnings so that any subsequent occurrence can be dealt with by way of arrest. However, where it appears the offence is disclosed officers must consider arresting for the offence irrespective of whether a warning has been issued.

## **Sexual Offences Act 2003**

### **Section 14 Arranging or Facilitating Commission of a Child Sex Offence**

This makes it an offence for a person intentionally to arrange or facilitate any action which he intends to do, intends another person to do or believes that another person will do, in any part of the world, which will involve an offence being committed against a child under any of sections 9 to 13 (includes sexual activity with a child).

14(1) A person commits an offence if –

- a) he intentionally arranges or facilitates something that he intends to do, intends another person to do, or believes that another person will do, in any part of the world; and
- b) doing it will involve the commission of an offence under any of sections 9 to 13.

### **Section 15 Meeting a Child Following Sexual Grooming**

This makes it an offence where a child under 16 travels to meet the adult or the adult arranges to meet the child, following two earlier communications, if the adult intends to commit a sexual offence against the child during or after the meeting.

15(1) A person aged 18 or over (A) commits an offence if –

- a) A has met or communicated with another person (B) on at least two occasions and subsequently -
  - (i) A intentionally meets B;
  - (ii) A travels with the intention of meeting B in any part of the world or arranges to meet B in any part of the world; or
  - (iii) B travels with the intention of meeting A in any part of the world,
- b) A intends to do anything to or in respect of B, during or after the meeting mentioned in paragraph (a)(i) to (iii) and in any part of the world, which if done will involve the commission by A of a relevant offence,
- c) B is under 16; and
- d) A does not reasonably believe that B is 16 or over.

### **Section 58 Trafficking Within the UK for Sexual Exploitation**

This makes it an offence for a defendant:

- a) intentionally to arrange or facilitate travel within the UK of a person where the defendant intends to do anything to, or in respect of that person that would result in the commission of a relevant offence involving that person; or

- b) where he believes that another person is likely to do something to, or in respect of that person that would result in the commission of a relevant offence involving him.

In both cases, the relevant offence must take place during or after the journey but may take place anywhere in the world.

This offence is intended to apply both to UK nationals who are moved from one place to another in the UK to be sexually exploited as well as to others, including foreign nationals, who are trafficked into the country to be sexually exploited. It would cover, e.g. a child from Birmingham moved for example to Stockport as well as within Local Authority boundaries to be sexually exploited and also a child who had been trafficked to Calais from Eastern Europe, and from there on to another part of the UK to be involved in exploitation.

This is the first time that the trafficking of UK nationals within the UK has been tackled in legislation. A relevant offence is any offence under the act.

### **Police and Criminal Evidence Act 1984 (PACE)**

There is no power of entry to exercise this power but section 17 (1) e of PACE may provide such grounds where there is concern that the victim may be at risk of serious harm. Clearly the commission of a sexual offence against a child would amount to such harm.

It gives the police power to remove a child from the company of a person who may expose them to significant harm.

#### **Key power**

This is a key power which should be used whenever potential victims are found in the company of potential perpetrators and they refuse to accompany the police voluntarily. For example, you find a 14 years girl in a car in the city centre at 2 a.m. with a 28 years man.

If you are not satisfied that there is a legitimate reason why the girl is with the man and you suspect she is there without the knowledge and consent of her carers or have any other grounds to believe that the girl is at risk of significant harm from the man, you must not simply take details and leave the girl with the man.

If she refuses to accompany you make use the above power to remove her to suitable accommodation. This is likely to be the child's home if this is safe to do.

#### **Suitable Accommodation**

A police station is not suitable accommodation. A child under police protection should not be brought to a police station except in exceptional circumstances, e.g. lack of immediately available local authority accommodation.

If it is necessary to take the child to a police station every effort should be made to ensure their physical safety, comfort, access to food and drink and access to toilet and washroom facilities.

### **Anti-Social Behaviour, Crime and Policing Act 2014**

#### **Part 9 – Protection From Sexual Harm and Violence**

##### **Section 114: Sexual Harm Prevention Orders and Sexual Risk Orders**

Sexual Harm Prevention Orders and Sexual Risk Orders were introduced by the Anti-Social Behaviour, Crime and Policing Act 2014. They replace the previous Sexual Offences Prevention Orders, Risk of Sexual Harm Orders and Foreign Travel Orders which were introduced by the Sexual Offences Act 2003.

**Sexual Risk Orders** can be made where a person has done an act of a sexual nature as a result of which there is reasonable cause to believe that it is necessary for such an order to be made, even if they have never been convicted..

The court needs to be satisfied that the order is necessary for protecting the public, or any particular members of the public, from sexual harm from the defendant; or protecting children or vulnerable adults generally, or any particular children or vulnerable adults, from sexual harm from the defendant outside the United Kingdom.

The Orders prohibit the defendant from doing anything described in the order, and can include a prohibition on foreign travel (replacing Foreign Travel Orders which were introduced by the Sexual Offences Act 2003).

A prohibition contained in a Sexual Risk Order has effect for a fixed period, specified in the order, of not less than 2 years, or until further order. The Order may specify different periods for different prohibitions.

Failure to comply with a requirement imposed under an Order is an offence punishable by a fine and/or imprisonment.

**Sexual Harm Prevention Orders** can be applied to anyone convicted or cautioned of a sexual or violent offence, including where offences are committed overseas.

The court needs to be satisfied that the order is necessary for protecting the public, or any particular members of the public, from sexual harm, or protecting children from sexual harm from the defendant outside the United Kingdom.

The Orders prohibit the defendant from doing anything described in the order, and can include a prohibition on foreign travel (replacing Foreign Travel Orders which were introduced by the Sexual Offences Act 2003).

A prohibition contained in a Sexual Harm Prevention Order has effect for a fixed period, specified in the order, of at least 5 years, or until further order. The Order may specify different periods for different prohibitions.

Failure to comply with a requirement imposed under an Order is an offence punishable by a fine and/or imprisonment.

### **Sec 116 – 118 Hotels Provision in relation to Child Sexual Exploitation**

Allows the police to require hotels and similar establishments, at which they reasonably believe child sexual exploitation is taking place, to provide to the police information about guests: this will include the guest's name and address, and other information which will be prescribed following consultation with the police and the hotel industry, for example, age. The information supplied will be a source of valuable intelligence to support the investigation of any criminal offences which are being committed on the premises and help close the net on paedophile rings.

The provisions will work by creating a power for a police officer, of at least the rank of inspector, to serve a notice on a hotel operator requiring the operator to provide the names and addresses of guests and any other prescribed information. The notice ([Appendix 2](#)) would specify how frequently the information must be provided, and over what period of time. The specified period will be no more than six months, although the police may serve a subsequent notice on the expiry of that period.

The officer must reasonably believe that the hotel has been used for the purposes of child sexual exploitation, or conduct that is preparatory to, or otherwise connected with, child sexual exploitation.

The hotel operator will commit a criminal offence if they fail to comply with the notice, without a reasonable excuse. It would also be an offence to provide information without taking reasonable steps to verify it or knowing it to be incorrect. Prosecution of these offences would be heard in the magistrates' court, with a maximum penalty on conviction of a level 4 fine (currently £2,500). However, the hotel operator is only expected to take reasonable steps to obtain the information or verify it. A person served with a notice would have a right of appeal to the magistrates' court. We would expect this targeted power to be used around 10 times a year and, as such, the impact on business is expected to be minimal. Subject to implementation of provisions in the Legal Aid, Sentencing and Punishment of Offenders Act 2012 relating to maximum fines which may be imposed on summary conviction.

#### **Section 116: Information about guests at hotels believed to be used for child sexual exploitation**

Subsection (1) confers a power on a police officer, of at least the rank of inspector, to serve a notice on the owner, operator or manager of a hotel that the officer reasonably believes has been or will be used for the purposes of child sexual exploitation or conduct preparatory to or connected with it. For the purposes of section 116, "child sexual exploitation" is defined with reference to a range of offences set out in subsection (8), for example, rape, abuse of children through prostitution and pornography and abuse of a position of trust.

Subsection (2) specifies the matters which must be contained in the notice. These include an explanation of the information that a constable may require the person issued with a notice to provide, avenues of appeal against a notice, and the consequences of failure to comply. The notice must also specify the period for which it has effect, which, under subsection (3), must be no more than six months.

Subsection (4) provides that a constable may require a recipient of the notice to provide the information described in subsection (5). This is restricted to the names and addresses of guests and other prescribed information that can be obtained readily from guests themselves. The other prescribed information may be specified in regulations made by the Secretary of State.

Subsection (6) provides that any such requirement must be in writing and specify both the time period to which it relates and when the information is to be provided.

#### **Section 117: Appeals**

Subsection (1) confers a right of appeal to the magistrates' court on a person issued with a notice. Any appeal must be brought within 21 days of the date of issue of a notice (subsection (2)).

Subsection (3) has the effect that any requirement imposed by the notice does not have effect while the appeal is outstanding.

Subsection (4) prescribes that the court may quash the notice, modify the notice or dismiss the appeal on hearing an appeal.

### **Section 118: Offences**

Subsections (1) and (2) make it an offence to fail without reasonable excuse to comply with a requirement in notice, which includes providing in response to a notice incorrect information which the defendant either (i) fails to take reasonable steps to verify or (ii) knows to be incorrect. However, subsection (3) provides that an offence is not committed if there were no steps that the person could reasonably have taken to verify the information or to have it verified.

Subsection (4) provides that a person guilty of an offence under this section is liable on summary conviction to a maximum penalty of a level 4 fine (currently up to £2,500).

## **Court Orders**

### **Asylum and Immigration (Treatment of Claimants, etc.) Act 2004**

#### **Vehicle Seizure**

Section 4 introduces new criminal offences of trafficking in people, either into, within or out of the UK for the purpose of exploitation.

Any vehicle, ship or aircraft used during the commission of offences contrary to Section 4 may be seized by a police constable or senior immigration officer. The transport used may be detained, pending a decision to charge. If charged and convicted on indictment, the court may order forfeiture of the transport used.

### **Crime and Disorder Act 1998**

#### **Anti-Social Behaviour Order**

These may be either civil orders or be made following conviction for an offence. Interim orders are available.

Section 1 enables a magistrates' court to make an 'anti-social behaviour order' against an individual whose behaviour has caused harassment, alarm or distress.

A breach of such an order is an offence. These have an obvious application to banning individuals who may approach girls in public places such as parks or particular localities.

### **Protection from Harassment Act 1997**

#### **Restraining Orders**

Restraining orders are made by a court under Section 5 of the Protection from Harassment Act 1997 and allow a court to make an order either on the conviction or acquittal of a defendant for any offence where the court believes a restraining order is necessary to protect a person from harassment.

The terms may be set by the court.

They should be applied for in any CSE related prosecution even where the victim has not requested the order to be made.

### **Sexual Offences Act 2003**

**Sexual Harm Prevention Orders and Sexual Risk Orders** were introduced by the Anti-Social Behaviour, Crime and Policing Act 2014. They replace the previous Sexual Offences Prevention Orders, Risk of Sexual Harm Orders and Foreign Travel Orders which were introduced by the Sexual Offences Act 2003.

The following offences, contrary to the Sexual Offences Act 2003, are qualifying offences for these orders under the Serious Crime Prevention Act 2007:

<b>Section</b>	<b>Offence</b>
14	arranging or facilitating commission of a child sex offence;
48	causing or inciting child prostitution or pornography;
49	controlling a child prostitute or a child involved in pornography;
50	arranging or facilitating child prostitution or pornography;
52	causing or inciting prostitution for gain;
53	controlling prostitution for gain; or
59A	trafficking for sexual exploitation.

An application for a civil order can be made to the high court without a conviction and using the civil burden of proof. The crown court may also issue orders on conviction. The orders may impose such conditions as the court thinks necessary to protect the public.

### **Wardship of a child or young person**

S 1(2) of and Schedule 1 to the Administration of Justice Act 1970.

The High Court can exercise its inherent jurisdiction by making a child a ward of the Court. Wardship jurisdiction is derived from the delegated performance of the duties of the Crown to protect its subjects. The distinguishing characteristics of wardship are that custody of a child who is a ward is vested in the court and although day to day care and control of the ward is given to an individual or to a local authority, no important step can be taken in the child's life without the court's consent.

#### **Procedure**

An application for wardship must be started in the High Court although proceedings may be transferred to the county court once a child becomes a ward unless issues of fact or law make them more suitable to remain. Any person 'with a genuine interest in or relation to the child', or the child, may instigate wardship proceedings as can the local authority with the court's permission.

A respondent may be the parent or guardian of the child or any other person with an interest in or relationship to the child, or the child, if with the court's permission.

The application must be issued in the High Court with a supporting affidavit detailing the grounds for the application and an originating summons in wardship.

The child becomes a ward of the court immediately upon the making of the application and the court officer sends a copy of the application to the Principal Registry to be recorded in the register of wards. The respondent must file an acknowledgement of service in the usual way and must also file a notice stating their address and either the whereabouts of the child or confirming that they are unaware of the same. This must be served by them on the applicant unless otherwise directed and the court must be immediately notified of any changes. An application for a hearing must be made within 21 days and at that hearing if the court does not confirm the wardship it will lapse.

#### **Common circumstances in which a child might be warded**

When a child is made a ward, the court 'takes over the ultimate responsibility for the child' sharing parental responsibility with those who already hold it, but exerting control over important decisions. Indeed no important step in the child's life can be taken without leave of the court. The most common situations in which the court may make an injunction for the child's protection are outlined:

- a) orders to restrain publicity;
- b) orders to prevent an undesirable association;
- c) orders relating to medical treatment;
- d) orders to protect abducted children, or children where the case has another substantial foreign element; and
- e) orders for the return of children to and from another area.

#### **Is there still a place for wardship?**

Whilst the Children Act 1989 severely restricted use of the jurisdiction, despite the many years since its enactment wardship has not shrivelled up out of all existence. It may still prove a useful tool in certain cases and practitioners should remain alive to it.

Although s 100(2) of the Act is clear and wardship cannot be used to bring about accommodation for a child, nor to manipulate the child coming into the care of the local authority, it remains an option where the child is not yet in local authority care but there are concerns.

Wardship offers a good middle ground between a s20 situation and pursuing a care order as both the local authority and the parents are accountable to the court and there is an obligation on the local authority to keep the court and the parents informed.

#### **Wardship in Emergency situations**

Due to the immediate effect of wardship, the jurisdiction remains particularly useful in emergency situations such as where medical treatment is required, forced marriage is anticipated, or there has been threatened child abduction. The child becomes a ward of the court immediately upon the originating summons being issued thereby providing immediate protection. Furthermore an application to the High Court may also be taken more seriously and have greater weight. Due to the immediate nature of wardship it remains particularly effective in threatened child abduction cases. A child who is a ward of court may not be removed from England and Wales without the court's permission and where such

permission has not been given, police assistance to prevent removal may be obtained. Such proceedings are, however, limited to children who are habitually resident in the UK and thus are subject to the jurisdiction.

Wardship can be used at least initially to secure the desired result pending a criminal prosecution. In such cases one needs to act quickly; if unsure about jurisdiction, originating summons may still be issued to make the child a ward of the court immediately and the issue can then be explored with the child protected.

In emergency situations or those in which the local authority does not necessarily want a care order, it may well offer a workable and justifiable alternative where a Children Act 1989 order is incompatible.

## **Anti-Social Behaviour Act 2003**

### **Closure Orders**

Section 1 of the Anti-Social Behaviour Act 2003 allows the police to impose closure notices on premises which they have reasonable grounds to believe have been used in connection with the unlawful use, production or supply of a Class A controlled drug, and that the use of the premises is associated with the occurrence of disorder or serious nuisance to members of the public.

This may prove useful where it is known that premises are being used to hold 'parties' where children are being sexually exploited and it can be shown that drugs are being supplied.

### **Dispersal orders**

Section 30 of the Anti-Social Behaviour Act 2003 allows a superintendent, with the agreement of the Local authority, to issue an order for up to six months where members of the public are intimidated, harassed or alarmed by the presence of groups of people. Although intended to address ASB this may have an application in addressing 'hot spot areas' where youths gather and are targeted by perpetrators.

### **Civil injunctions**

These may be actioned by the local authority to prevent known people attending locations such as schools or children's homes.

# Tactical Options – disruption and investigation

CSE cases are complex, often lengthy and need detailed management, policy logs and investigation strategies, there should be frequent consultation between the officer in charge of the case and their supervisor

The most significant barrier to success is the non-engagement of the victim. Investigation and prosecution, however, are only a part of a four part strategy which also includes prevention, protection and support for victims

In addition to using police powers and court orders there are many disruption activities you can undertake in respect of CSE:

**It is important that every opportunity is taken to disrupt the activity of possible perpetrators and this could be as a minimum for uniformed officers to speak with the perpetrators about their associations with the victims.**

## **Abduction Warning Notices**

Ensure that any Child Abduction Notice that is served on a nominal is recorded on WMP Intelligence systems together with the location of that notice so that it can be used in evidence if the suspect is arrested.

Abduction Warning Notification Templates are attached.

## **Accredited Professional Practice – College of Policing**

<http://www.app.college.police.uk/app-content/major-investigation-and-public-protection/child-sexual-exploitation/>

## **ANPR**

Vehicles are a common feature of CSE investigations, for example –

- To collect victims outside children's homes;
- To transport victims between towns;
- To act as the location for sexual encounters; or
- To cruise the streets looking for children to approach.

You can use ANPR entries and PNC flags to ensure that vehicles believed to be being used for these purposes are stopped and checked regarding the presence of potential victims.

Submit VRMs to CMPG to ensure that vehicles believed to be being used for CSE purposes are stopped and checked regarding the presence of potential victims. It is essential that clear directions are given to officers who may stop the target vehicle in terms of action to be taken.

The primary objective is to safeguard any vulnerable child in the vehicle, conducting full intelligence checks and consider police protection -

- Obtain full details of all other occupants and submit for intelligence purposes.
- Take positive action and arrest for any offences that become apparent.

- Preserve the vehicle for forensic examination.
- Inform WMP CSE Perpetrator Team.

### **Briefing**

You should routinely circulate pictures and details of potential victims and perpetrators along with vehicle details to NPTs, response staff and PCSOs. This ensures that staff are aware, can obtain intelligence and intervene, e.g. stopping known vehicles and using police protection powers where potential victims are found in the company of suspected perpetrators.

### **CCTV**

You should integrate CCTV into any CSE problem solving model or investigation plan. Similarly, regular briefings of CCTV operators regarding CSE hotspots, victims, missing from homes and perpetrators will generate intelligence about them.

### **Disruption Notices**

A disruption notice should only be issued after consultation with and approved by a DS from the CSE team. A full rationale as to why the notice was issued should be available on the Crimes Portal. It may be appropriate to record the fact this has been served on IMS, and also place a copy of the notice, along with the issuing officers statement on Corvus under the SEV profile of the perpetrator (attached).

### **Covert Tactics**

Consider covert tactics where appropriate.

### **CHIS**

Covert human intelligence source recruitment and tasking Information. CHIS recruitment and tasking for CSE nationally is poor bordering on non-existent and this needs to improve.

### **Crown Prosecution Service (CPS)**

The CPS follow the same definition the Police and LSCB do (as agreed by the National Working Group).

Regular meetings to discuss cases would prove beneficial and may improve the strength of a case by the time it reaches court if CPS have given it an early steer in terms of evidence collection.

CPS Procedures for prosecuting child sexual offences

[http://www.cps.gov.uk/legal/a\\_to\\_c/child\\_sexual\\_abuse/](http://www.cps.gov.uk/legal/a_to_c/child_sexual_abuse/)

### **DNA and Other Forensic Examination**

If there is evidence that some sexual activity has taken place between a perpetrator and a victim, you should seize and preserve evidence, e.g., appropriate items of the victim's clothing. You should do this even when no complaint is made.

**Scene searches** should be conducted with CSI attendance and advice.

- Conditions at location: If a victim has been kept at a location, you should record the conditions in which they were kept as well as conduct a forensic examination, e.g. to identify if the premises have been used by large numbers of men for sexual purposes.
- Preservation: DNA may identify a significant number of perpetrators and it is vital that you preserve evidence to support any future disclosures that the victim may make.

- Investigating a specific crime: If you are investigating a specific crime, you may obtain DNA from a victim for comparison with recovered forensic evidence using the elimination kits and DNA forms policy procedure.
- Vulnerable persons DNA database: If you believe a child is at risk of sexual exploitation, you may take a volunteer sample and submit it for inclusion on the Vulnerable Persons DNA Database (VPDD). The DNA Bureau will seek authority from the DNA Strategy Board to use this sample for elimination purposes in all CSE cases where the donor is the suspected victim.

### **Financial Investigation**

If you suspect children are being trafficked for sex and the perpetrators are profiting financially, you should liaise with the local POCA team/financial investigators regarding the options and agree an investigation strategy. This may be relevant where the perpetrator is also believed to be involved in drugs offences.

In addition to identifying any financial transactions in relation to trafficking, an investigation may reveal travel histories and spending information, e.g. hotel stays which you can follow up; and disclose other offences which the perpetrator can be prosecuted for such as tax evasion or benefit fraud.

### **Flagging and warnings – Corvus, Compact and PNC**

Use Corvus, Compact and PNC to flag suspects and victims of CSE.

### **Home visits**

If you believe that potential victims are frequenting a suspected perpetrator's address, particularly where a Child Abduction Warning has been given, you may make visits to the perpetrator's home address to ensure that at risk children are not present; and reinforce previous advice. Officers should be mindful of the potential risk escalation to victims, following any visit that is made to perpetrators and ensure that appropriate steps are taken to mitigate and prevent that risk.

### **Hotspot management**

A number of locations repeatedly feature in national CSE investigations, these include:

#### **1. Hotels**

Where hotels are known to be frequented by CSE perpetrators and the management are failing to prevent this, you should consider:

- liaising with the Trading Standards regarding compliance with legislation, e.g. under the Business Names Act 1985 owners of hotels must display a notice showing the owner's name where it is not the same as the business name, and regulations, e.g. fire regulations and registers must be kept of guests over 16 years of age.
- routine high visibility visits;
- meetings with area and regional management;
- using abduction warnings for management and staff;
- seizing CCTV footage and guest registers (See Police Powers);
- forensic examination of rooms;

- obtaining payment details used by perpetrators; and
- covert observations.

## **2. Parks**

Parks can be the location of initial contact between victim and perpetrator; or sexual offences. If you identify a particular park as featuring regularly in occurrences, you should liaise with the local authority to agree a joint action plan and consider:

- high visibility patrols with stop checks of potential victims / perpetrators and submitting intelligence; or using covert surveillance.
- briefing park staff regarding perpetrators / victims;
- reviewing available CCTV and tasking of CCTV operators; installing lighting if specific locations are identified;
- outreach
- considering using warning notices regarding police patrols/CCTV etc.

## **3. City Centres**

If you identify a number of regular locations in city/town centres, e.g. fast food takeaways, bus stations or other particular locations, you should consider:

- briefing police community support officers (PCSOs) and neighbourhood policing teams (NPTs) and high visibility patrols
- briefing to relevant staff from other agencies (local authority, security guards, bus station staff); using CCTV and briefing to CCTV operators;
- outreach; and
- using covert observations including photographing potential perpetrators if possible.

## **4. Takeaways and Taxi Firms**

If a takeaway is frequently linked to CSE incidents and the staff/ proprietors are uncooperative, you should consider:

- briefing PCSOs and NPTs and high visibility patrols at relevant times;
- using Abduction warnings
- prosecuting if evidence available regarding child abduction offences or s14 Sexual Offences Act offence;
- covert surveillance including potentially mobile surveillance where it is suspected victims are being trafficked from premises;
- liaising with Local Authority Licensing and Trading Standards and in the case of taxis the local authority taxi licensing authority with a view to revoking licences; and
- liaising with the Department of Work and Pensions and UK Border Agency regarding illegal employees.

## **5. Children's homes**

Some perpetrators target children's homes and will park near to them, contact the victim by 'phone and arrange for them to leave and meet them. You should consider:

- liaising with Children's Services to ensure that unauthorised absence incidents not reported to the police are being recorded by the local authority and patterns notified to the police;
- preparing police/children's services action plans agreeing joint actions should the potential victim go missing;
- briefing staff regarding identities, photos and vehicle details of potential perpetrators and collating and analysing intelligence from care home staff regarding incidents, e.g. details of vehicles seen etc.
- high visibility patrols at relevant times;
- covert observations and potentially mobile surveillance with the home as a pick up point;
- consider moving the victim to new accommodation to prevent contact and break up groups of victims who may go missing together; and
- collecting potential sources of evidence by home staff, e.g. mobile 'phone lists (often kept by victims who fear their sim cards may be confiscated) and clothing when the victim returns and it is believed sexual activity has taken place.

## **6. Schools**

Schools may be identified as having particular issues in connection with CSE because one child has been targeted and is drawing friends into the abuse or because perpetrators may live locally or have attended the school themselves. You should consider:

- briefing staff with identities, photos and vehicle details of potential perpetrators;
- collating and analysing intelligence from staff regarding incidents
- school staff recording all unauthorised absence incidents;
- Talk to pupils about CSE issues and high visibility patrols at relevant times;
- covert observations and potentially mobile surveillance with the school as a pick up point;

### **Immigration Status**

If you suspect a perpetrator may be a recent arrival in the UK, you should make enquiries with the UKBA to establish their immigration status.

### **IMS Logs**

Please ensure the CSE flag is used.

### **MAPPA Referral**

If the appropriate criteria are met, you could refer the perpetrator into MAPPA, PDP or SPOV project.

### **Medical Examinations**

Except in the case of very young children, the victim must normally consent to a medical examination.

### **National Referral Mechanism**

The National Referral Mechanism (NRM) is a framework for identifying victims of human trafficking and ensuring they receive the appropriate protection and support. The NRM is also used by the United Kingdom Human Trafficking Centre (UKHTC) to collect data about victims. This information contributes to building a clearer picture about the scope of human trafficking in the UK.

Potential victims of trafficking must first be referred to one of the UK's two competent authorities in order to be referred to the NRM. This initial contact and referral will usually be dealt with by an authorised agency (known as first responders) including the police, Local Authority Social Care Services or certain Non-Governmental Organisations (NGOs).

### **Partner Agencies**

Other agencies such as children's services, youth offending etc., may have a wealth of intelligence and should be utilised when building a picture. For example intelligence can be developed by sharing it with partners (when appropriate) to help identify perpetrators.

### **Probation Service**

You could liaise with probation service staff regarding enforcing licence conditions and recall to prison.

### **Recording Intelligence**

You could ensure that any intelligence you receive regarding suspected perpetrators and victims is entered on police IMS systems, incorporating CSE flagging and continuously reviewed.

### **Registered sex offender**

You could manage the perpetrator as a registered sex offender, if applicable.

### **Say Something If You See Something Toolkit**

CSE can be easy to miss if you do not know the signs. This toolkit has helped the Children's Society to develop this toolkit. It can be adapted and used anywhere around the country to help local communities safeguard their young people.

Access to the toolkit via WMP CSE Intranet Website or the National Working Group (NWG) <http://www.nwgnetwork.org/resources>. WMP are members, officers and staff can contact NWG to gain a password to access website Tel 01332 585371.

The NWG also operate a [Recognition and Participation Scheme](#) for businesses who demonstrate a proactive response to tackling Child Sexual Exploitation.

### **Targeted patrolling**

You could conduct targeted patrols in areas where children regularly go missing, e.g. takeaways, parks, taxi offices, bus/rail stations and similar locations where young people congregate. (Attached)

### **Targeting for Other Offences**

You could target perpetrators for other offences, e.g. motoring or public order offences.

### **Technology**

You must always conduct Section 18 PACE searches of the perpetrator's premises and vehicles when investigating CSE to preserve and secure relevant evidence.

- Mobile 'phones: Lists of mobile 'phone numbers are often received from carers or agencies. You can check these using CORVUS and COMPACT to potentially identify the victim's network and potential perpetrators. You can conduct further subscriber checks and reverse billing enquiries to widen this network and obtain valuable intelligence.
- You may find that patterns of 'phone calls may also disclose evidential material of value, e.g. if a victim's absences from a care home coincide with the receipt of calls from one number.
- Indecent images. You should check the perpetrator's mobile 'phone as it may contain indecent images of the victim taken with it or emailed to it.

### **Victim Mobile Phone Tactical Options**

- If the victim's mobile phone number is known but the victim is not cooperative in handing the phone to police, a Cycoms application can still be made to obtain details of all incoming and outgoing telephone calls. This information request is limited to a specified time frame, but would be an option to consider on return from a missing episode.
- If police are able to gain possession of the relevant mobile phone either directly from the victim or via the carer, it is possible to extract all relevant data from the phone, including text message content, photo's etc. This procedure will be carried out by a phone examiner. It is possible for this data to be downloaded in a surprisingly short time, therefore any unexpected possession of a victim's phone, no matter how short, may be an opportunity for data to be extracted. In order for e-forensics to be able to complete an examination under normal circumstances, it would be preferable for them to have the phone for at least 12 - 24 hours.
- Billing and historic cell site enquiries can be completed also on the victim's mobile phone under a RIPA authority. There would be a cost implication for the police, but the phone would not need to leave the children's possession for this to occur.
- Covert download of phone content, i.e. text/digital media/email, would be more difficult and would require the phone to be taken into police possession for several hours. This would be more beneficial following a missing episode and could be achieved for example if the parent / guardian confiscated the phones for 24 hours as a punishment for going missing. As before a RIPA would be required to examine the content of the phone.

### **Facebook and Other Social Media**

The police can access open Facebook/Twitter pages without the owner being aware that the page is being viewed. Although CSE victims typically only allow access to identified 'friends' this may still disclose some information. You should consider gaining the appropriate authority to gain further access.

### **Laptops and Computers**

If a victim is using one laptop or computer, you may be able to monitor the activity on it. In any investigation, you must seize all computers, 'phones, storage devices and so on for examination.

### **Tenancy Breaches**

You should liaise with housing officers, tenancy enforcement and landlords over potential breaches of tenancy agreements or housing contracts with recommendations to take action against the perpetrators.

### **Trigger Plans**

Please refer to individual Corvus SEV profiles for child where CSE Trigger Plan will be attached as a document.

### **UK Human Trafficking Centre (UKHTC) and Child Exploitation and On-line Protection (CEOP)**

UKHTC and CEOP can offer tactical advice on the conduct of organised and complex CSE investigations.

### **Vehicle stop checks**

Conduct proactive stop/checks of vehicles of suspects known to be engaged in CSE;

### **Warrants**

When you are investigating offences of rape and other serious indictable offences you can use:

- PACE warrants to search premises for material that is likely to be relevant evidence;
- Protection of Children Act allows entry and search where there are reasonable grounds for suspecting the presence of indecent photographs or pseudo photographs of children on the premises;
- S50 Children Act 1989 order authorises you to enter and search premises for a child where there is reason to believe that a child who is subject of a care order, emergency protection order or police protection order is being held in circumstances amounting to an offence under s49 of this act (keep away child without lawful authority);
- Misuse of Drugs Act – If there is a strong link between drug dealing and men engaged in CSE and you are finding it difficult to obtain evidence of CSE offences, you may find it easier to progress possession/supply offences using warrants under this act.

## Appendix 1



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### Information Report to be sent through to: [fib@west-midlands.pnn.police.uk](mailto:fib@west-midlands.pnn.police.uk)

This form should be used by you or your staff to submit information or intelligence to the police which relates to any vulnerability issue (i.e. Child Sexual Exploitation, Domestic Abuse, Forced Marriage, Honour-based issues, FGM, Vulnerable Adult Abuse, and Human Trafficking Modern Day Slavery).

The police need as much information as possible to help them understand three things;

1. WHO may be at risk (victims)
2. WHO may be putting them at risk (possible offenders) and
3. WHERE that risk may be happening (locations).

**PLEASE DO NOT WORRY IF YOU DO NOT KNOW FOR SURE WHETHER THE INFORMATION IS ACCURATE OR TRUE. IT IS BETTER TO SUBMIT IT AND THE POLICE WILL THEN ASSESS IT AGAINST WHAT THEY ALREADY HOLD FROM OTHER SOURCES.**

#### What is this form NOT to be used for?

**This form should not be used to make statutory safeguarding referrals to police. You should continue to make these referrals in the normal way.**

Date/Time of report:.....

**Details of Professional submitting:**

Name			
Post / Job Title			
Agency			
Contact Details			
Witnessed Incident		Professional	Member of the Public

**If the information was supplied by someone other than yourself, on a scale of 1-5 how reliable do you think they are?**

(5 = Always Reliable and 1 = Unreliable) .....

**How accurate is the information on a scale of 1-4?**

(4 = Known to be true beyond doubt to 1 = suspected to be false).....

**(If you are not able to say re above two questions please state ‘don’t know’ rather than guess)**

If the information is from a 3rd party would they be willing to engage with the Police?

Yes      No

Does this information involve a licensed premise (e.g. newsagents, takeaways, pubs, off licenses, etc)?

Yes      No

If yes, please provide the **trading name** and **address** of premise: .....

*Please provide clear and accurate information: Include as much detail as possible re names/descriptions/nicknames/vehicle details/addresses etc: If providing details of specific incidents please put a date and time these were witnessed.*

## **Appendix 2**

### **RESTRICTED after completion**

#### **NOTICE**

Police powers to obtain information about guests at hotels believed to be used for child sexual exploitation

Section 116 Anti-social Behaviour, Crime and Policing Act 2014

Please ensure that you also read the Appendix below for further important information about the purpose of this notice and your rights of appeal.

For the immediate attention of: ..... (name), the owner, operator or manager of ..... (name and address of the hotel/establishment).

I reasonably believe that this hotel/establishment has been or will be used for the purposes of -

- (a) child sexual exploitation, or
- (b) conduct that is preparatory to, or otherwise connected with, child sexual exploitation.

This notice is served on you using section 116 Anti-social Behaviour, Crime and Policing Act 2014 which allows police officers to obtain information relating to your guests and is effective from ..... (date) and expires on ..... (a date not more than 6 months later).

Signed: .....

Rank: ..... (inspector or more senior rank or an acting inspector authorised in accordance with section 107 of the Police and Criminal Evidence Act 1984)

Force: .....

Date: .....

## **Appendix**

The following information is drawn from sections 116, 117 and 118 of the Anti-social Behaviour, Crime and Policing Act 2014

1. A constable (police officers are sworn constables) may require you to provide him/her with information about guests at the named hotel/establishment. (The term 'hotel' includes any guest house or other establishment of a similar kind at which accommodation is provided for a charge and 'guest' means a person who, for a charge payable by that person or another, has the use of a guest room at the hotel in question.)

2. The only information that a constable may require under paragraph 1 above is -

(a) guests' names and addresses;

(b) other information about guests that -

(i) is specified in regulations made by the Secretary of State, and

(ii) can be readily obtained from one or more of the guests themselves.

Such a requirement must be in writing, must specify the period to which the requirement relates and must specify the date or dates on or by which the required information is to be provided. (The period specified must begin no earlier than the time when the requirement is imposed and must end no later than the expiry of the notice under this section).

3. Child sexual exploitation means conduct that constitutes one of the following offences -

(a) Sexual offences Act 2003 (general) - sections 5 to 8 (rape and other offences against children under 13); sections 9 to 13 (child sex offences); sections 16 to 19 (abuse of position of trust); sections 25 and 26 (familial child sex offences); sections 47 to 50 (abuse of children through prostitution and pornography).

(b) Sexual offences Act 2003 (victims under 18 years) - sections 1 to 4 (rape, assault and causing sexual activity without consent); sections 30 to 41 (persons with a mental disorder impeding choice, inducements etc to persons with a mental disorder, and care workers for persons with a mental disorder); section 59A (trafficking people for sexual exploitation); section 61 (administering a substance with intent); sections 66 and 67 (exposure and voyeurism).

(c) Protection of Children Act 1978 - section 1 (indecent photographs of children);

4. A person issued with a such a notice may appeal against it to a magistrates' court. The appeal must be made within the period of 21 days beginning with the day on which the person is issued with the notice. Where there is such an appeal, then until the appeal is finally determined or withdrawn, no requirement may be imposed under paragraph 1 above in relation to the premises in question and any such requirement already imposed is of no effect.

5. An offence is committed by a person who -

(a) fails without reasonable excuse to comply with a requirement imposed on the person under paragraph 1 above or

(b) in response to a requirement imposed on the person under paragraph 1 provides incorrect information, which the person did not take reasonable steps to verify or to have verified, or knows to be incorrect.

A person does not commit an offence under paragraph 5(b) above (in relation to the verification of information) if there were no steps that the person could reasonably have taken to verify the information or to have it verified. A person guilty of this offence is liable on summary conviction to a fine not exceeding level 4 on the standard scale (i.e. a maximum of £2,500 pounds).

6. Section 116 (7) cover hostels under “ other establishment of similar kind at which accommodation for a charge”

Section 116 (7) In this section—

- “child sexual exploitation” means conduct that constitutes an offence listed in subsection (8)(a) or (b), or an offence listed in subsection (8)(c) against a person under 18;
- “guest” means a person who, for a charge payable by that person or another, has the use of a guest room at the hotel in question;
- “hotel” includes any guest house or other establishment of a similar kind at which accommodation is provided for a charge.

Some hotels have individuals who are effectively long terms residents.

If the premises do not agree with the notice because they are of the view that their business does not fall within the above definition, they have the right to appeal to a Magistrates’ Court.

The purpose of this section of the Act is to prevent/detect CSE. It would not have been Parliaments intention to exclude hostels if the police have reasonable belief of the premises being used for CSE.

**RESTRICTED after completion**